

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

COMMONWEALTH EDISON COMPANY	:	
	:	
Petition for expedited approval of implementation of a	:	No. 00-0259
market-based alternative tariff, to become effective on	:	
or before May 1, 2000, pursuant to Article IX and Sec-	:	
tion 16-112 of the Public Utilities Act.	:	
 CENTRAL ILLINOIS PUBLIC SERVICE COMPANY	:	
UNION ELECTRIC COMPANY	:	
	:	No. 00-0395
Petition for approval of revisions to market value	:	
tariff, Rider MV.	:	
 ILLINOIS POWER COMPANY	:	
	:	
Petition for Alternative Approval of Implementation :	:	No. 00-0461
of a Market-Based Tariff to Become Effective on or :	:	
before January 1, 2001, pursuant to Article IX and	:	
Section 16-112 of the Public Utilities Act.	:	

MOTION TO RECONSIDER CONSOLIDATION

COME NOW Abbott Laboratories, Inc., et. al.,¹ as the Illinois Industrial Energy Consumers (IIEC) and by their attorneys, Lueders, Robertson & Konzen, state as follows for their Motion to Reconsider Consolidation of Commonwealth Edison Company (“ComEd”) Docket 00-0259 with Illinois Power Company (“IP”) Docket No. 00-0461 and Central Illinois Public Service Company and Union Electric Company (“Ameren”) Docket 00-0395:

1. That these IIEC companies are intervenors in Docket 00-0259.
2. That the consolidation of the subject docket with the IP and Ameren Dockets is

¹A. Finkl & Sons, Caterpillar Inc; Daimler Chrysler Corporation; Ford Motor Company; Modern Drop Forge Company; Monsanto Company; Motorola, Inc; Nabisco Brands, Inc; Northwestern Steel & Wire Company; R. R. Donnelley & Sons; Viskase Corporation and Owens-Illinois, Inc.

inappropriate and unlawful.

3. That Abbott Laboratories, Inc., et. al., filed an appeal from the Illinois Commerce Commission's ("Commission") April 27, 2000, Order in Docket 00-0259 on June 26, 2000, by filing a Notice of Appeal with the Clerk of the Illinois Commerce Commission and a Notice of Filing of Notice of Appeal and a Petition for Review with the Clerk of the Appellate Court for the Fourth Appellate District of Illinois.

4. That under Section 10-201(b) of the Public Utilities Act, jurisdiction over the subject matter of Docket 00-0259 vested instantaneously with the Appellate Court upon the filing of the Notice of Appeal and the Notice of Filing of Notice of Appeal. (220 ILCS 5/10-201(b)).

5. That Commission is without jurisdiction to combine Docket 00-0259 with any other proceeding for the purpose of taking or hearing additional or new evidence on the issues which are now the subject of the appeal pending before the Fourth District Appellate Court.

6. That the Commission is prohibited from entering any order which would interfere with the appellate review to be conducted by the Fourth District Appellate Court and the consolidation of Docket 00-0259 with other matters now pending before the Commission and attempts to accept or entertain additional or new evidence or arguments, etc., in the context of the consolidated dockets will interfere with appellate review by the Fourth District Appellate Court.

WHEREFORE, the IIEC companies identified herein respectfully move that the Commission:

1. Reconsider its order to consolidate ComEd Docket 00-0259 with IP Docket 00-0461 and Ameren Docket 00-0395.

2. Enter an order separating Docket 00-0259 from Dockets 00-0461 and 00-0395.

DATED this 25th day of July, 2000

Respectfully submitted,

Eric Robertson
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ATTORNEYS FOR THE ILLINOIS INDUSTRIAL
ENERGY CONSUMERS (IIEC)

27076.1

STATE OF ILLINOIS
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NOTICE OF FILING

PLEASE TAKE NOTICE that on this 25th day of July, 2000, we have electronically filed, with the Illinois Commerce Commission, 527 E. Capitol Avenue, Springfield, Illinois, 62701, IIEC Motion to Reconsider Consolidation and Supporting Memorandum, copies of which are hereby served upon parties of record by electronic filing and by U.S. mail with postage fully prepaid thereon.

Eric Robertson
Lueders, Robertson & Konzen
1939 Delmar Avenue
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STATE OF ILLINOIS :
 :
COUNTY OF MADISON :

SS

PROOF OF SERVICE

I, Eric Robertson, being an attorney admitted to practice in the State of Illinois, do herewith certify that I did the 25th day of July, 2000, serve copies of the attached Motion to Reconsider Consolidation and Supporting Memorandum, by filing same with the Clerk of the Illinois Commerce Commission and the parties on the attached service list by sending copies of same electronically and by U.S. mail, with postage fully prepaid thereon.

Eric Robertson
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SUBSCRIBED AND SWORN TO before me, a Notary Public, on this 25th day of July, 2000

NOTARY PUBLIC

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